

**STANDARD GUIDELINES FOR
PROCESSING OF AUTOMATED EXPORT
TRANSACTIONS
DURING DOWNTIME OF AES AND
DOWNTIME OF AES PARTICIPANT'S
COMPUTER SYSTEM**

SEPTEMBER 2002

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1. PURPOSE

These guidelines provide uniform procedures for the processing of export transactions when the Automated Export System (AES) or the computer system of an AES participant is unavailable for transmissions.

2. BACKGROUND

This document was written to meet the requirements of the "United States Customs Service, and Contingency Management Strategy for Mission Critical Mainframe Applications." This document is a condensed and concise version of the "Contingency of Operation Plans" (COOP) for Outbound Process and will serve as a guideline for any failure of AES or the participants' systems connected to AES.

The primary purpose of the COOP is to serve as a contingency in the event that AES or related systems experience major failure due to an unforeseen problem, to serve as a guide both for Customs and the public in case of any failure of AES or related systems.

All possible precautions have been taken to minimize downtime of AES. However, occasional downtime will still be experienced due to routine and/or unscheduled maintenance of AES performed by the Customs Service, Office of Information Technology. Also, unforeseen downtime can be caused by damage to the National mainframe computer by natural disaster, war, civil disturbance or catastrophic breakdown. In addition, AES participants may experience downtime due to malfunctions of their own equipment.

All Customs Ports, AES participants, and Government agencies involved with AES are asked to become familiar with these guidelines and ensure that local procedures reflect the policies in this document. More than likely, these procedures will never be used. However, in case of emergency, these plans will ensure that normal operations of the export process can proceed without interruption.

3. DEFINITIONS

AES Participant is any individual or entity (U.S. Principal Party in Interest (exporter), forwarding agent, carrier, consolidator, service center/bureau, or port authority) actively reporting export information (commodity and/or transportation data) electronically through AES in lieu of manual or other automated reporting systems.

Downtime is period of at least one calendar day when AES or the computer system of an AES participant is inaccessible and, as a result, commodity and/or transportation data are not reported within the required time frames.

Export Transactions are any transmissions of commodity data (Shipper's Export Declaration (SED) information), and transportation data (Booking Messages, Receipt of Booking Messages, Departure Messages, or Manifest Messages) reported electronically through AES.

Manual Filing is the paper method, using the Commerce Form 7525-V Shipper's Export Declaration (SED), for export commodity filing instead of electronic filing via AES. Procedures and time frames for submitting paper manifests and SEDs are described in 19 CFR Part 4, 19 CFR Part 122, 15 CFR 30 and these downtime guidelines.

Severe Circumstances are situations such as natural disasters, civil disturbance, nuclear war, or catastrophic accident involving either AES or a participant's computer, which may make normal automated reporting and verification through AES impossible.

State Department Licenses are issued by the Office of Defense Trade Controls (ODTC) for the export of defense related items. Customs maintains the "License for Permanent Export of Unclassified Defense Articles" (DSP-5) at the probable port of exit.

4. GENERAL POLICY

Due to the trend of automated export reporting replacing the paper reporting system, a breakdown in AES may cause a major disruption of the export process. Because of the importance of export trade statistics in the formulation of trade policy and export enforcement, the following policy has been established.

Sections 4A and 4B distinguish two categories of downtime based on the number of calendar days that AES or a participating system is expected to be unavailable. Also addressed are procedures for conducting enforcement verifications and processing State Department Licenses in the absence of AES (Sections 4C and 4D respectively).

A. AES or Participating System Downtime of One to Seven Calendar Days for Commodity and/or Transportation Data

Shipments reported in AES for which full or partial pre-departure information is required will continue to be exported without interruption even if the participant's AES transmissions are delayed because the system is unavailable. However, special procedures apply for State Department licensable commodities. These are explained in Sections 4D, 5A6, 5B7, 6A3 and 6B8 of this document. Procedures and time frames for filing transportation and commodity data under the various Options, are explained

in Sections 5 and 6 of these guidelines. During downtime, AES participants will adhere to these guidelines when reverting to manual procedures.

Essentially, these correlate with the Customs and Census regulations for electronic filing which were published on July 28, 1999.

Transmissions will resume when the system becomes available. Exporters (USPPI) will ensure that any shipment exported during downtime includes the appropriate AES exemption statement on the waybill or other commercial documents for inclusion on the carrier's manifest. AES exemption statements are found in the Bureau of the Census FTSR Letter No. 168 (Amendment 1). Participants will keep a log of downtime during which they are unable to transmit data via AES. Backlogs must be transmitted within fourteen calendar days from the day AES or the participant's system becomes available.

B. AES or Participating System Downtime Exceeds Eight Calendar Days for Commodity and/or Transportation Data

This applies to cases where AES or the participant's computer is down eight calendar days or more, or in cases of severe circumstances where it is likely that the system has suffered serious or irreparable damage and will be unavailable for at least seven calendar days. The AES participant shall revert to the manual method of export reporting for all new transactions, starting on the eighth day, until electronic filing of AES transactions resumes. Paper SEDs and manifests will be filed in accordance with the time frames established in Sections 5 and 6 of this document. Participants will keep a log of downtime during which they are unable to transmit data through AES.

C. Enforcement Verifications

During downtime, enforcement verification of export transactions will revert to manual methods. This means that Customs Inspectors, under the authority of 22 USC 401, will need to review paper SEDs, waybills, manifests, and bookings to target high-risk shipments. Carriers, USPPIs, or the agents must be contacted by phone/fax, or in person, to detain shipments for examination or to release shipments from detention. Targeting and detentions through AES should resume immediately when AES or the AES participant's computer system becomes available.

The participant or their AES Client Representatives should ensure that the Assistant Port Director, Outbound Operations is aware of the downtime of the participant's computer, and when their system is again available for AES transmissions.

D. State Department Licenses

The State Department Decrementation Program in AES, which is updated daily, contains an electronic copy of all approved licenses issued by the State Department. The module also contains a feature for recording export actions and computing the remaining values of the electronic licenses, which are currently recorded manually on the back of the paper licenses lodged at Customs ports. Currently, the decrementation portion of this module only applies to permanent export licenses (DSP-5). Therefore, the procedures outlined in this policy ONLY apply to shipments requiring a DSP-5 license for export.

There are two ways a shipment can be posted against the electronic copy of the license. The first is for the USPPPI or AES filer, to send an AES commodity transmission with the license number recorded in that transmission. The electronic copy of the license will be updated automatically to reflect the export action based on the AES transmission. The second is for the shipper (non-AES filer) to present the SEDs and invoice to the Customs export desk at the port of exit. The Customs Inspector will call up the license and record the export in AES instead of recording the export on the back of the paper license.

E. Downtime Matrix – Time Frames and Procedures

The matrix summarizes time frames and procedures for filing commodity and transportation data when AES and/or participating systems are unavailable. See Sections 5 and 6 for step-by-step guidelines.

<u>Filing Status</u>	<u>Downtime of 1-7 Calendar Days</u>	<u>Downtime Exceeds 8 Calendar Days</u>
<u>COMMODITY DATA</u>		
Option 1	Paper Pre-Departure	Paper Pre-Departure
Option 2 Pre-departure specified in regulations (used vehicles; chemicals; Presidential Proclamation; Other Government Agency pre-departure data)	Paper Pre-Departure	Paper Pre-Departure
Option 2 (Other than above)	Shipment departs. File full data electronically within 14 calendar days after system is available	Paper, pre-departure for all new transactions (as of the 8 th calendar day)
Option 3	Shipment departs. File full data electronically within 14 calendar days after system is available	Paper, pre-departure for all new transactions (as of the 8 th calendar day)
Option 4	Shipment departs. File full data electronically within 14 calendar days after system is available	Shipment departs. Paper, post-departure for all new transactions (as of 8 th calendar day) due within 10 calendar days from date of exportation

<u>TRANSPORTATION DATA</u>	<u>Downtime of 1-10 Calendar Days</u>	<u>Downtime Exceeds 10 Calendar Days</u>
Booking Message	Produce paper booking reports upon request. Transmit full booking data for all departed bookings, not already transmitted, within 14 calendar days after system is available.	Produce paper booking reports upon request. Transmit full booking data for all departed booking, not already transmitted, within 14 calendar days after the system is available.
Receipt of Booking Message	Transmit all ROBs, not already transmitted, within 14 calendar days after system is available.	Transmit all ROBs, not already transmitted, within 14 calendar days after system is available.
Departure Message	Transmit all departures, not already transmitted, within 14 calendar days after system is available.	Transmit all departures, not already transmitted, within 14 calendar days after system is available.
Manifest Message	Transmit all manifests (Bills of Lading), not already transmitted, within 14 calendar days after system is available.	Produce a paper manifest to Customs. Transmit all manifests (Bills of Lading), not already transmitted, within 14 calendar days after system is available. This includes those for which a paper manifest has been provided.

5. ACTION – DOWNTIME OF ONE TO SEVEN CALENDAR DAYS

A. AES Participants' Responsibilities

AES participants will implement the following procedures when they are notified that the system is unavailable or when they are unable to transmit through AES and the problem can be remedied in seven calendar days or less.

1. Participant Unable to Transmit

When participants are unable to transmit through AES, they should immediately analyze their system and ascertain the reason. If the problem lies with AES, the procedures in Sections 5A2 through 5A6 should be followed. Participants may refer to their AES Client Representatives or Customs point of contact for further information on the outage. If the problem lies with the participant's computer system, the participant must assess the seriousness of the problem.

If it appears that the problem cannot be quickly repaired, and may have a substantial impact on the participant's ability to transmit, the participant should contact their AES Client Representative and the Assistant Port Director, Outbound Operations at the nearest port. If assistance is

needed in determining where the source of the problem lies, the participant should call their AES Client Representative. Participants should make these notifications, circumstances permitting, within four hours of determining that the problem with their system will not be quickly remedied. Participants should keep a log of all downtime and the reasons for the problems.

2. Downtime Procedures

a. Commodity Data

NOTE: Procedures applicable to State Department licensable commodities are explained in Section 5A6.

Option 2 – Pre-Departure Transmissions Designated by Regulations

Paper documents must be presented prior to departure for those shipments specifically designated as Option 2 in 15 CFR Part 30.61(a): Used self-propelled vehicles (except those shipped between the United States and Puerto Rico); Essential and precursor chemicals requiring a permit from the Drug Enforcement Administration; Shipments defined as “sensitive” by Executive Order; and Shipments where full export information is required prior to exportation by a federal government agency.

Option 2 (Other Than Above), Option 3 and Option 4 Transmissions

AES participants may continue to export shipments during downtime. They will report shipments exported during the first seven calendar days of downtime as soon as possible after their system or AES becomes available again. Full data for the backlog must be transmitted within fourteen calendar days after system’s availability is restored. USPPs or the authorized filing agents should ensure that the appropriate AES exemption statement is provided to the carrier (See FTSR Letter No. 168, Amendment 1 or Appendix R, Exemption Statements).

All AES participants will revert to manual reporting for new transactions starting on the eighth day of downtime.

b. Transportation Data

AES vessels will continue to depart as usual during downtime. When AES transmissions resume, the carrier will transmit all Bookings, Receipt of Bookings, Departure, and Manifest messages (in this specific order) that occurred during the downtime. These messages

will be transmitted as soon as possible after the carrier's system or AES becomes available again. However, the backlog must be transmitted within fourteen calendar days after the system's availability is restored.

AES participants will revert to manual reporting of manifests for new departures starting on the eighth day of downtime. For the AES carriers only, the manual presentation of the paper manifest will be due 10 calendar days after the departure of each vessel.

3. Record Keeping

AES participants should keep copies of export documentation readily available for inspection by Customs Inspectors until electronic transmission into AES resumes. After recordation in AES, participants will archive commodity data (e.g. SEDs) and transportation data (e.g. manifests) in accordance with Department of Commerce and U.S. Customs record keeping regulations and guidelines.

4. Late Messages

AES participants should ignore "SHIPMENT REPORTED LATE" error messages for those backlogged transactions unable to be reported during AES downtime.

5. Holds

AES participants should continue to hold shipments detained by Customs Inspectors, or placed on hold by AES prior to the system's failure. Participants should contact the local Assistant Port Director, Outbound Operations to confirm the status of their shipments.

6. State Department Licenses

When AES is unavailable for transmissions, AES filers or the designated agents should **NOT** export shipments requiring a DSP-5 license if they intend to report them through AES. USPPIs or the agents should wait until AES or their system is back on line before exporting and reporting such shipments. However, the shipment can be exported provided the USPPI or the authorized filing agent reverts to manual filing (i.e. presenting the paper SEDs and invoice to the port of export for validation, and subsequently presenting two copies of the validated SED to the carrier for the manifest). Manual procedures may be found in 22 CFR 123.22.

Shipments, which are processed manually, should not be reported through AES as well, as this will result in double reporting of the shipment to the Bureau of Census. This may also result in double decrementation of the license.

B. Government's Responsibilities

During downtime of more than one but less than eight calendar days, Customs and Census will be responsible for the following:

1. Client Representatives and the National Data Center

When notified of a problem with AES, Client Representatives and the National Data Center will follow the procedures in the Customs document "Trade & Field Support Problem Escalation Procedures – Internal Use" to resolve the problem.

2. Unresolved Problems

If the AES system problem cannot be remedied in a short time (less than four hours), and the problem will have a major impact on AES transmissions, the National Data Center will ensure that the Director, Outbound Programs, AES Team, and Client Representative Team Leaders are informed. The Director, Outbound Programs is responsible for informing the Chief, Foreign Trade Division, Bureau of the Census. The AES Client Representative Team Leader will notify the AES Client Representatives and AES participants. An AES broadcast from Census may also be used to inform the participants.

The Director, Outbound Programs will use his/her discretion in notifying the Assistant Port Directors, Outbound Operations, and the Exodus Command Center. When an AES participant notifies their Client Representative that their system is unavailable for an extended period of time, the participant will also notify the affected ports, and the Assistant Port Director Outbound Operations of the affected ports.

3. Notification of Customs Ports

Customs Inspectors will be notified that AES is unavailable by any of the following:

- A 505 or 504 error message when attempting to log on the system;
- A comment in the status column on the TPX menu that AES is unavailable;
- A message from the Director, Outbound Programs;

- A notification from a Client Representative or AES participant that there is a problem with their system.

4. Verifications

Enforcement verifications of export transactions will revert to manual methods during AES downtime. This means that Customs Inspectors will need to review paper SEDs, waybills, manifests and bookings to target for high-risk shipments. Carriers, USPPIs, or the agents must be contacted by fax/phone, or in person, to detain shipments for inspection or to release those shipments. Targeting and detentions through AES should resume immediately when AES or the participant's computer system is available for transmission.

5. Holds

Customs Inspectors should respond immediately to inquiries from AES participants concerning holds. Inspectors should keep a manual record of inspection results until AES becomes available, at which time the Inspector will record inspection results in AES.

6. Evidence of Compliance

During downtime, Customs Inspectors should accept export documents with the AES exemption statement or the presentation, upon request, of the participant's copies of export documentation awaiting input into AES (see 5A3 of this document) as evidence of the participant's compliance with export regulations. If there is a question about compliance, Customs Inspectors may verify exports in AES after the AES participant has had reasonable time to input their backlog.

7. State Department Licenses

Exports requiring State Department Licenses should not be delayed because AES is unavailable. If a shipper presents an SED for validation, Customs Inspectors should check the paper licenses filed at their port, or at the port where the paper license is filed, to confirm the existence of the license. The Inspector can validate the shipper's copies of the SED and return those copies to the shipper for forwarding to the carrier. The Inspector should hold the copy of the SED that is to be forwarded to the State Department until AES becomes available. When AES processing resumes, Customs will ensure that electronic decrementation is accomplished in the system.

6. ACTION – DOWNTIME EXCEEDS EIGHT CALENDAR DAYS

A. AES Participants' Responsibilities

Participants will execute the procedures outlined below in the following instances:

- AES participant is informed by a Customs Official that these procedures are in effect. The decision to implement these procedures can only be made by the Director, Outbound Programs or his/her representative.
- Participant informs the Client Representative, who in turn informs the local Assistant Port Director, Outbound Operations that they are executing these procedures because of a fault in their system that cannot be repaired in seven days.
- Severe circumstances cause a complete breakdown in communications making it unlikely to restore transmissions within seven days.
- Filers may also agree to revert to manual procedures in less than seven days of unavailability of AES, if agreed upon by Census and Customs.

1. Manual Procedures

In the situations described above, AES participants will revert to submitting paper SEDs and manifests for all new transactions starting on the eighth day of downtime.

a. Commodity Data

Option 2 and Option 3 Shipments

AES participants will provide full paper documentation prior to departure, for all new transactions starting on the eighth calendar day of downtime. AES USPPs or the authorized filing agent may submit their SEDs directly to Customs or if more convenient, to the carrier for submission to Customs. SEDs must be separated by carrier, port, and date of departure. This will facilitate association with the appropriate manifest.

Option 4 Shipments

AES participants will provide paper documents for all new transactions starting from the eighth day of downtime. These documents will be due ten calendar days from the date of exportation, unless the system becomes available sooner.

b. Transportation Data

AES carriers will revert to manual reporting of manifests for new departures starting on the eighth calendar day of downtime. These manifests will be due ten calendar days after departure from each port of departure, unless the system becomes available sooner. Customs may verify that backlogged manifest data from one through seven is transmitted within fourteen calendar days after the system is restored.

2. Holds

AES participants should continue to hold shipments detained by a Customs Inspector, or placed on hold by AES prior to the system's failure, until the hold is resolved. Participants should contact the local Assistant Port Director, Outbound Operations to confirm the status of any shipments.

3. State Department Licenses

AES participants will revert to the manual method for the processing of DSP-5 licenses. The exporter (USPPI) or authorized filing agent will present at least three copies of the paper SED along with the invoice to the port of export for validation, and then present two copies of the validated SED to the carrier for the manifest. Procedures for the manual method may be found in 22 CFR 123.22.

4. Discontinuation of Manual Procedures

It is the responsibility of the Director, Outbound Programs, with the concurrence of the Chief, Foreign Trade Division, Bureau of the Census, to make the decision to resume automated reporting through AES. The Director, Outbound Programs is responsible for notifying the Client Representative Team Leaders and the local Customs Ports. Once the ports are informed that AES is available, Customs Inspectors may resume automated procedures for verification.

AES participants should be careful not to report through AES any shipment that has been reported manually.

B. Government's Responsibilities

1. Client Representatives and the National Data Center

When notified of an internal problem within the Customs AES system, Client Representatives and the National Data Center will follow the

procedures in the Customs document “Trade & Field Support Problem Escalation Procedures – Internal Use” to resolve the problem.

2. Unresolved Problems

If the above problem cannot be remedied within seven calendar days, the National Data Center will ensure that the Director, Outbound Programs, AES Team, and Client Representative Team Leaders are informed. The Director, Outbound Programs is responsible for informing the Chief, Foreign Trade Division, Bureau of the Census and Customs Field Personnel. The AES Client Representative Team Leader will notify the AES Client Representatives and AES participants. An AES broadcast from Census may also be used to inform the participants.

The Director, Outbound Programs will use his/her discretion in notifying the Assistant Port Directors, Outbound Operations, and the Exodus Command Center. When an AES participant notifies their Client Representative that their system is unavailable for an extended period of time, the participant will also notify the affected ports, and the Assistant Port Director Outbound Operations of the affected ports.

3. Revert to Manual Procedures

When AES is unavailable for eight or more calendar days, the Director, Outbound Programs, U.S. Customs, with the concurrence of the Chief, Foreign Trade Division, Bureau of the Census, will make the decision to implement the manual method of export reporting as per 19 CFR Part 4, 19 CFR Part 122, and 15 CFR Part 30, and the “Standard Guidelines for Processing of Automated Export Transactions During Downtime of AES and Downtime of the AES Participant’s Computer System.”

4. Notification of Customs Ports

Once Customs Ports are notified of the decision to revert to manual procedures, they will collect paper export documents from USPPs and carriers in accordance with Sections 5 and 6 of these guidelines.

5. Census Copies of the SEDs

Customs will mail Statistical Copies of the SEDs to the Bureau of the Census as often as necessary but not less than once a week. Each batch of SEDs should be accompanied by an FTD – 16 transmittal sheet. Procedures can be found in the “Trade Statistical Handbook” CIS 3500-04, dated April 1998.

6. Verifications

Enforcement verification of export transactions will revert to manual methods during AES downtime. This means that Customs Inspectors will need to review paper SEDs, waybills, manifest, and bookings to target for high-risk shipments. Carriers, USPPIs, or the agents must be contacted by phone/fax, or in person, to detain shipments for examination or to release shipments from detention. When deemed necessary, Customs will verify compliance within the two-week time frame for inputting the backlog data from days one through seven.

7. Holds

Customs Inspectors should respond immediately to inquiries from AES participants concerning holds. All inspection results will be recorded in the Outbound Targeting and Tracking System (OTTS) in the Treasury Enforcement Communications System (TECS) until AES is available. If OTTS is unavailable, Customs Inspectors should keep a manual record of inspection results until OTTS is available. Once AES is operational, all exam results should be entered in AES.

8. State Department Licenses

The Director, Outbound Programs will be responsible for notifying the Customs Ports to revert to paper processing of State Department Licenses. This means that decrementation information presented by the USPPI or the authorized filing agent will be recorded by Customs Inspectors on the back of the paper license. Customs Inspectors should use the copy of the SED to ensure that information, which was awaiting input into AES, is recorded on the paper license. Procedures for paper recording licenses may be found in 22 CFR 123, and in the Export Control Handbook in the TECS Reference Library (RLIO).

The decision to resume automated reporting on a national basis will be made by the Director, Outbound Programs. At that time the Director Outbound Programs will institute procedures for updating the State Department Module in AES with the information recorded on the paper license.

9. Discontinuation of Manual Procedures

It is the responsibility of the Director, Outbound Programs, with the concurrence of the Chief, Foreign Trade Division, Bureau of the Census, to make the decision to resume automated reporting through AES. The Director, Outbound Programs is responsible for notifying the Client Representative Team Leaders and the local Customs Ports. Once the

ports are informed that AES is available, Customs Inspectors may resume automated procedures for verification.

7. MISCELLANEOUS

AES receives and edits information from the other agencies. These agencies should contact Director, Outbound Programs at (202) 927-6060, if there is a problem with the transmission of this information. The Director, Outbound Programs or his/her representative will evaluate the situation and contact the appropriate headquarters and field personnel.

8. POINTS OF CONTACT

The National Data Center and AES Team Personnel, Port Directors/Assistant Port Directors, Outbound Operations, Census and Customs Client Representatives, and AES participants should ensure that all personnel engaged in AES processing are aware of, and follow these guidelines. For questions regarding the policy, AES participants should contact their assigned Customs or Census Client Representatives, or Outbound Programs at (202) 927-6060, or Census at (301) 457-3539.